

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TYLENOL (ACETAMINOPHEN)
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

*THIS DOCUMENT RELATES TO ALL
CASES*

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MDL NO. 2436

2:13-md-02436

HON. LAWRENCE F. STENGEL

ORDER

It is hereby **ORDERED** that that the form of the Short Form Complaint Attached as Exhibit B to CMO-7 in this case is hereby replaced by the form of the Short Form Complaint attached hereto, to correct certain non-substantive typographical errors that are present in the original version of the Short Form Complaint and to provide for the inclusion of a case specific docket number and caption. All Plaintiffs in this case are directed to use the attached form of the Short Form Complaint in lieu of the form that was attached as Exhibit B to CMO-7.

SO ORDERED this 8th day of July, 2013


LAWRENCE F. STENGEL, J.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: TYLENOL®
(ACETAMINOPHEN) MARKETING,
SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

Plaintiff,

v.

Defendant(s).

§ MDL NO. 2436
§
§ 2:13-md-02436
§
§ HON. LAWRENCE F. STENGEL
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§ Civil Action No.
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§ SHORT-FORM COMPLAINT
§ AND JURY DEMAND
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The Plaintiff(s) file this *Short-Form Complaint* against the Defendants named below and incorporate *The Master Complaint and Jury Demand* filed in MDL No. 2436 by reference. Plaintiff(s) selects and indicates by checking-off where requested, those products, Parties and claims that are specific to his or her case. Plaintiff(s) further allege as follows:

1. Plaintiff

2. Plaintiff's Spouse (if applicable)

3. Other Plaintiff and Capacity, if applicable (*i.e.*, administrator, executor, guardian, conservator, etc.)

4. State of Residence

5. State of Residence at time of ingestion of TYLENOL®.

6. United States District Court and Division in which venue would be proper absent direct filing.

7. Defendant(s) (Check each Defendant against whom Complaint is made).¹

- ☐ McNeil-PPC, Inc.
- ☐ McNeil Consumer Healthcare
- ☐ Johnson & Johnson
- ☐ Other

8. Basis of Jurisdiction

- ☐ Diversity of Citizenship
- ☐ Other: _____

Other allegations of jurisdiction and venue:

9. Defendants' products ingested by Plaintiff as to which Plaintiff is making a claim in this lawsuit are (check-all):

- ☐ Extra Strength TYLENOL®

¹ If additional Counts and/or Counts directed to other Defendants are alleged, the specific facts supporting these allegations must be pleaded by the Plaintiff in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to the *Short Form Complaint*.

- ☐ Regular Strength Tylenol
- ☐ TYLENOL® 8 hour Muscle Aches and Pain
- ☐ TYLENOL® Arthritis Pain
- ☐ TYLENOL® Sinus Congestion and Pain Severe
- ☐ TYLENOL® Sinus Congestion and Pain Daytime
- ☐ TYLENOL® Cold Multi-Symptom Severe
- ☐ TYLENOL® Cold Multi-Symptom Daytime
- ☐ TYLENOL® Cold Multi-Symptom Nighttime
- ☐ TYLENOL® Cold and Flu Severe
- ☐ TYLENOL® Cold Sore Throat
- ☐ TYLENOL®PM
- ☐ TYLENOL® Extra Strength Nighttime
- ☐ Infant's TYLENOL® Oral Suspension
- ☐ Children's TYLENOL® Oral Suspension
- ☐ Children's TYLENOL® Meltaways Chewable Tablets
- ☐ Jr. TYLENOL® Meltaways Chewable Tablets
- ☐ Children's TYLENOL® Plus Multi-Symptom Cold
- ☐ Children's TYLENOL® Plus Cold
- ☐ Children's TYLENOL® Plus Cold and Cough
- ☐ Children's TYLENOL® Plus Cough and Runny Nose
- ☐ Children's TYLENOL® Plus Cough and Sore Throat
- ☐ Children's TYLENOL® Plus Flu
- ☐ Other (List All)

10. Plaintiff ingested the drug or drugs set forth in Paragraph 9 above from approximately to _____ to _____.

11. Plaintiff had the following injury: _____ on or about _____
_____ which is alleged to have been caused by the drug or drugs set forth in Paragraph 9 above.

12. The following claims asserted in *The Master Complaint and Jury Demand*, and the allegations with regard thereto, are herein adopted by reference:

- ☐ Count I – STRICT LIABILITY
- ☐ Count II – BREACH OF IMPLIED WARRANTY OF MERCHANT ABILITY
- ☐ Count III – BREACH OF IMPLIED WARRANTY OF FITNESS FOR PARTICULAR PURPOSE
- ☐ Count IV – NEGLIGENT FAILURE TO WARN
- ☐ Count V – NEGLIGENT DESIGN DEFECT
- ☐ Count VI – NEGLIGENCE
- ☐ Count VII – NEGLIGENT MISREPRESENTATION
- ☐ Count VIII – BREACH OF EXPRESS WARRANTY
- ☐ Count IX – FRAUD
- ☐ Count X – VIOLATION OF CONSUMER PROTECTION LAWS
- ☐ Count XI – FRAUDULENT CONCEALMENT
- ☐ Count XII – LOSS OF CONSORTIUM
- ☐ Count XIII – PUNITIVE DAMAGES
- ☐ Count XIV – DISCOVERY RULE AND TOLLING
- ☐ Count XV – WRONGFUL DEATH
- ☐ Count XVI – SURVIVAL ACTION
- ☐ Other Count(s) (See FN 1)

13. Plaintiff(s) asserts the following additional theories against the Defendants identified in Paragraph 7 above (*See* FN 1):

14. Plaintiff(s) asserts the following additional theories against Defendants other than those identified in Paragraph 7 above (*See* FN 1):

WHEREFORE, Plaintiff(s) pray for relief as set forth in *The Master Complaint and Jury Demand* filed in MDL No. 2436.

Michael M. Weinkowitz
LEVIN FISHBEIN SEDRAN & BERMAN
510 Walnut St., Suite 500
Philadelphia, PA 19106
215-592-1500
215-592-4663 (facsimile)
MWeinkowitz@lfsblaw.com
Attorneys for Plaintiff